

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PELOTON INTERACTIVE, INC.,)
)
Plaintiff,)
) C.A. No. 21-1605-RGA
v.)
)
iFIT, INC.,)
)
Defendant.)

STIPULATION AND [PROPOSED] ORDER STAYING CASE

WHEREAS, on March 3, 2022, Plaintiff Peloton Interactive, Inc. (“Peloton”) filed a complaint in Inv. No. 337-TA-3608 (“ITC Action”) asking that the International Trade Commission (“ITC”) commence an investigation pursuant to Section 337 of the Tariff Act of 1930;

WHEREAS, in the ITC Action, Peloton asserts patent infringement allegations against Defendant iFIT, Inc., along with other respondents, for infringement of U.S. Patent Nos. 7,938,755 (“the ’755 Patent”), 10,864,406 (“the ’406 Patent”), 11,145,399 (“the ’399 Patent”), 11,170,886 (“the ’886 Patent”), and 11,183,288 (“the ’288 Patent”);

WHEREAS, the ’755, ’406, and ’886 Patents are also asserted in the present case;

WHEREAS, there is a significant overlap in factual and legal issues between the ITC Action and the present case because both will necessarily address the same questions of validity and infringement with respect to the ’755, ’406, and ’886 Patents;

WHEREAS, although the ITC has not yet determined if it will commence an investigation, the parties have conferred and agreed to stay this case pending resolution of the ITC Action;

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the parties, and subject to the approval of the Court as follows:

1. This action shall be stayed in its entirety until the determination of the ITC becomes final, including any appeals therefrom.
2. The parties shall notify the Court within 7 days of the ITC decision becoming final as set forth in paragraph 1 above or of a determination by the ITC not to institute an investigation.
3. The parties shall notify the Court of the progress of the ITC Action and shall file a joint status report within 7 days of each of the following events: the Final Initial Determination by the Administrative Law Judge, the Final Determination by the Commission, the expiry of the presidential review period, and the resolution of any appeals.
4. Nothing herein shall preclude either party from filing a motion to lift the stay upon a showing of good cause for doing so.
5. Neither party shall oppose lifting the stay should the ITC decide not to institute an investigation.

/s/ Michael J. Flynn

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Dated: April 1, 2022

SO ORDERED this ____ day of April, 2022

UNITED STATES DISTRICT JUDGE